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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,066

Applicant(s)

O'NEIL, JOSEPH THOMAS

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication; even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andersson et al., Westerlage et al., Stephens, Dennison et al., Sagers et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 12-21, 23-30, 33, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of Agness et al.

1. Regarding Claim 1, Grube disclosed A method for controlling the use of a portable communications device in a vehicle comprising;

deriving information relating to the geographic location of said personal communications device,

deriving information relating to restrictions on the use of personal communications devices in each of a plurality of geographic regions, (col.2; 29 – col.3; 7)

determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions, (col.3; 1-30)

determining restrictions on use of said personal communications device while said predetermined relationship exists. (col.4; 9-21)

Grube fails to disclosed the use of a portable communications device in a vehicle. However, Agness teaches in an analogous art, that the use of a portable communications device in a vehicle (0038; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the use of a portable communications device in a vehicle in order to provide a transmission inhibit system for cell phones being used at highway locations and at other specific restricted locations or at elected locations.

2. Regarding Claim 2, Grube disclosed The method of claim 1 wherein said deriving information relating to the geographic location of said personal communications device comprises deriving information from a global positioning satellite (GPS) receiver. (117-118; fig.1; col.2; 29-40)

3. Regarding Claim 3, Grube disclosed The method of claim 2 wherein said GPS receiver is included in said personal communications device. (117-118; fig.1; col.2; 29-40)

4. Regarding Claim 4, Grube disclosed all the particulars of the claim except the GPS receiver is included in a vehicle. However, Agness teaches in an analogous art, that The method of claim 2 wherein said GPS receiver is included in said vehicle (0037; pg.2 - 0038; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the GPS receiver is included in a vehicle in order to provide a transmission inhibit system for cell phones being used at highway locations and at other specific restricted locations or at elected locations.

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5. Regarding Claim 5, Grube disclosed The method of claim 1 wherein said deriving information relating to said regions comprises accessing a database comprising geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions. (col.2; 54-60)

8. Regarding Claim 8, Grube disclosed The method of claim 7 wherein said customer is a user of said personal communications device. (col.3; 23-30)

12. Regarding Claim 12, Grube disclosed The method of claim 1 wherein said determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions comprises determining at least one of said geographic regions that includes said geographic location of said personal communications device. (col.3; 1-30 & col.4; 9-21)

13. Regarding Claim 13, Grube disclosed The method of claim 1 wherein said determining of restrictions on use of said personal communications device comprises selecting a predetermined set of restrictions from among those restrictions applicable within respective geographic regions in which said personal communications device is located. (col.3; 1-30 & col.4; 9-21)

14. Regarding Claim 14, Grube disclosed The method of claim 1 wherein said selecting a predetermined set of restrictions comprises selecting said predetermined set of restrictions subject to at least one condition. (col.3; 1-30 & col.4; 9-21)

15. Regarding Claim 15, Grube disclosed The method of claim 14 wherein said at least one condition comprises an exemption from restrictions on use of said personal communications device for originating predetermined classes of communications. (col.3; 1-30 & col.4; 9-21)

16. Regarding Claim 16, Grube disclosed all the particulars of the claim except emergency communications. However, Agness teaches in an analogous art, that The method of claim 15 wherein said predetermined classes of communications comprises emergency communications. (0074; pg.5 & 0036; pg.2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include emergency communications in order to provide access in priority condition.

17. Regarding Claim 17, Grube disclosed all the particulars of the claim except emergency communications. However, Agness teaches in an analogous art, that The method of claim 15 wherein said at least one condition comprises an exemption from restrictions on use of said personal communications device for receiving predetermined classes of communications. (0074; pg.5 & 0036; pg.2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include emergency communications in order to provide access in priority condition.

18. Regarding Claim 18, Grube disclosed all the particulars of the claim except emergency communications. However, Agness teaches in an analogous art, that The method of claim 17 wherein said predetermined classes of communications comprises emergency communications. (0074; pg.5 & 0036; pg.2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include emergency communications in order to provide access in priority condition.

19. Regarding Claim 19, Grube disclosed all the particulars of the claim except a wireless communications device for communicating with at least one fixed location. However, Agness teaches in an analogous art, that The method of claim 1 wherein said personal communications

device comprises a wireless communications device for communicating with at least one fixed location (37; fig.1; 0042; pg.3). communications node. (35; fig.1; 0042; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a wireless communications device for communicating with at least one fixed location in order to provide monitoring and controlling system for inhibiting transmission with respect to predetermined location.

20. Regarding Claim 20, Grube disclosed all the particulars of the claim except a node of a terrestrial communications network. However, Agness teaches in an analogous art, that The method of claim 19 wherein said at least one fixed-location communications node comprises a node of a terrestrial (17; fig.1; 0037; pg.2-3) communications network, said network having a plurality of communications nodes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a node of a terrestrial communications network in order to provide monitoring and controlling system for inhibiting transmission with respect to predetermined location.

21. Regarding Claim 21, Grube disclosed all the particulars of the claim except receiving location information from at least one of said communications nodes. However, Agness teaches in an analogous art, that The method of claim 20 wherein said deriving information relating to the geographic location of said personal communications device comprises receiving location information from at least one of said communications nodes. (35; fig.1; 0042; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving location information from at least one of said communications nodes in order to

provide monitoring and controlling system for inhibiting transmission with respect to predetermined location.

23. Regarding Claim 23, Grube disclosed all the particulars of the claim except a wireless communications device for communicating with at least one fixed location. However, Agness teaches in an analogous art, that The method of claim 20 wherein said fixed-location communications node (35; fig.1; 0042; pg.3) comprises a wireless base station transmitter (31; fig.1; 0041; pg.3), and said deriving information relating to restrictions on the use of personal communications devices in each of a plurality of geographic areas comprises receiving message information from said wireless base station relating to restrictions applicable in at least one region proximate (severe weather location; 0043; pg.3) said wireless base station. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a wireless communications device for communicating with at least one fixed location in order to provide monitoring and controlling system for inhibiting transmission with respect to predetermined location.

24. Regarding Claim 24, Grube disclosed The method of claim 23 wherein said receiving said message information from said wireless base station relating to restrictions on use of personal communications devices occurs at said personal communications device, and wherein said deriving information relating to the geographic location of said personal communications device comprises receiving global positioning satellite (GPS) information from a GPS receiver included in said personal communications device. (117-118; fig.1; col.2; 29-40)

25. Regarding Claim 25, Grube disclosed The method of claim 24 further comprising imposing restrictions on use of said personal communications device in response to said

determining of restrictions on use of said personal communications device while said predetermined relationship exists. (col.3; 1-30 & col.4; 9-21)

26. Regarding Claim 26, Grube disclosed all the particulars of the claim except the GPS receiver is included in a vehicle. However, Agness teaches in an analogous art, that The method of claim 23 wherein said receiving said message information from said wireless base station occurs at said vehicle, and wherein said deriving information relating to the geographic location of said personal communications device comprises receiving global positioning satellite (GPS) information from a vehicle-based GPS receiver. (0037; pg.2 - 0038; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the GPS receiver is included in a vehicle in order to provide a monitoring and control circuit in the vehicle which detects permissible highway.

27. Regarding Claim 27, Grube disclosed all the particulars of the claim except the GPS receiver is included in a vehicle. However, Agness teaches in an analogous art, that The method of claim 26 further comprising imposing restrictions on use of said personal communications device in response to said determining of restrictions on use of said personal communications device while said predetermined relationship exists, said imposing being effected by sending a control message from a vehicle-based transmitter to said personal communications device. (0037; pg.2 - 0038; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the GPS receiver is included in a vehicle in order to provide a monitoring and control circuit in the vehicle which detects permissible highway.

28. Regarding Claim 28, Grube disclosed A method for controlling the use of at least one portable communications device in a vehicle, the method comprising

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at a controller in said vehicle, deriving information relating to the geographic location of said vehicle, (col.2; 29 – col.3; 7)

at said controller in said vehicle, deriving information relating to restrictions on the use of personal communications devices in at least one geographic region, (col.2; 29 – col.3; 7)

at said controller in said vehicle, determining whether said geographic location of said vehicle bears a predetermined relationship to at least one of said geographic regions, transmitting a message from said controller in said vehicle to said at least one personal communications (col.3; 1-30) device imposing restrictions on use of each said personal communications device while said predetermined relationship exists. (col.4; 9-21)

Grube fails to disclosed the use of a portable communications device in a vehicle.

However, Agness teaches in an analogous art, that the use of a portable communications device in a vehicle (0038; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the use of a portable communications device in a vehicle in order to provide a monitoring and control circuit in the vehicle which detects permissible highway.

29. Regarding Claim 29, Grube disclosed The method of claim 28 wherein said deriving information relating to the geographic location of said vehicle comprises deriving information from a global positioning satellite (GPS) receiver in said vehicle. (117-118; fig.1; col.2; 29-40)

30. Regarding Claim 30, Grube disclosed The method of claim 28 wherein said deriving information relating to said regions comprises accessing a database comprising geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions. (col.2; 54-60)

33. Regarding Claim 33, Grube disclosed The method of claim 32 wherein said customer is a user of said personal communications device. (col.3; 23-30)

36. Regarding Claim 36, Grube disclosed The method of claim 28 wherein said determining whether said geographic location of said vehicle bears a predetermined relationship to at least one of said geographic regions comprises determining at least one of said geographic regions that includes said geographic location of said vehicle. (col.3; 1-30 & col.4; 9-21)

37. Regarding Claim 37, Grube disclosed A method for controlling the use of a portable communications device in a vehicle comprising;
deriving information relating to the geographic location of said personal communications device, accessing a network database to derive geographical definitions of a plurality of regions and restrictions applicable to personal communications device use in each of said regions, (col.2; 29 – col.3; 7)
determining whether said geographic location of said personal communications device bears a predetermined relationship to at least one of said geographic regions, (col.3; 1-30)
applying restrictions on use of said personal communications device while said predetermined relationship exists. (col.4; 9-21)

Grube fails to disclosed the use of a portable communications device in a vehicle.

However, Agness teaches in an analogous art, that the use of a portable communications device in a vehicle (0038; pg.3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the use of a portable communications device in a vehicle in order to provide a monitoring and control circuit in the vehicle which detects permissible highway.

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Claims 6-7, 9-11, 31-32, 34-35, 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. & Agness et al in view of Lambert et al.

6. Regarding Claim 6, The above combination disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 5 wherein said restrictions comprise legal restrictions imposed by a governmental authority. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

7. Regarding Claim 7, The above combination disclosed all the particulars of the claim except restrictions comprise restrictions imposed by a customer of said carrier. However, Lambert teaches in an analogous art, that The method of claim 5 wherein said use of a personal communications device is pursuant to an arrangement with a communications carrier, and said restrictions comprise restrictions imposed by a customer of said carrier. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include restrictions comprise restrictions imposed by a customer of said carrier in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with user requirements of the particular location of mobile.

9. Regarding Claim 9, The above combination disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said

personal communications device. However, Lambert teaches in an analogous art, that The method of claim 7 wherein said customer is a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

10. Regarding Claim 10, The above combination disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 5 wherein said restrictions further comprise restrictions imposed by a user or a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

11. Regarding Claim 11, The above combination disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 1 wherein said plurality of regions comprises all regions in a governmental jurisdiction. (col.8; 23-33, col.11; 15-22). Therefore, it would have

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been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

31. Regarding Claim 31, The above combination disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 30 wherein said restrictions comprise legal restrictions imposed by a governmental authority. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

32. Regarding Claim 32, The above combination disclosed all the particulars of the claim except restrictions comprise restrictions imposed by a customer of said carrier. However, Lambert teaches in an analogous art, that The method of claim 30 wherein said use of a personal communications device is pursuant to an arrangement with a communications carrier, and said restrictions comprise restrictions imposed by a customer of said carrier. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include restrictions comprise restrictions imposed by a customer of said carrier in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with user requirements of the particular location of mobile.

34. Regarding Claim 34, The above combination disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 32 wherein said customer is a person having supervisory responsibility for at least one user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

35. Regarding Claim 35, The above combination disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 28 wherein said plurality of regions comprises all regions in a governmental jurisdiction. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

38. Regarding Claim 38, The above combination disclosed all the particulars of the claim except the legal restrictions imposed by a governmental authority. However, Lambert teaches in an analogous art, that The method of claim 37 wherein said restrictions comprise legal restrictions imposed by a governmental authority, said method further comprising updating said

network database to reflect changes in said legal restrictions. (col.8; 23-33, col.11; 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions imposed by a governmental authority in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

39. Regarding Claim 39, The above combination disclosed all the particulars of the claim except the legal restrictions. However, Lambert teaches in an analogous art, that The method of claim 38 wherein said updating said network database to reflect changes in legal restrictions comprises temporary changes reflecting conditions affecting operation of said vehicle. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the legal restrictions in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

40. Regarding Claim 40, The above combination disclosed all the particulars of the claim except customer is a person having supervisory responsibility for at least one user of said personal communications device. However, Lambert teaches in an analogous art, that The method of claim 37 wherein said restrictions comprise restrictions imposed by a person having supervisory responsibility over a user of said personal communications device, said method further comprising updating said network database to reflect changes in said restrictions imposed by said person having supervisory responsibility over a user of said personal communications device. (col.8; 23-33, col.11; 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include customer is a person having supervisory

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responsibility for at least one user of said personal communications device in order to provide a mechanism for dynamically controlling the performance of operation of a mobile in accordance with legislative requirements of the particular location of mobile.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. & Agness et al in view of Pitts.

22. Regarding Claim 22, The above combination disclosed all the particulars of the claim except a short-range transmitter. However, Pitts teaches in an analogous art, that The method of claim 21 wherein said fixed-location communications node comprises a short-range transmitter transmitting message information identifying the location of said fixed-location communications node. (pico; pg.3; 0045). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a short-range transmitter in order to control mobile communications within a specific range.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (6:30-4:00) alternate Fri.(6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria
August 8, 2003



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